

Amendment No. 1 to SB3880

McNally
Signature of Sponsor

AMEND Senate Bill No. 3880*

House Bill No. 3796

by deleting in their entirety all sections after the enacting clause and substituting instead the following:

**BASIC EDUCATION PROGRAM FORMULA –
CAPITAL OUTLAY FREEZE AT 2009-2010 LEVEL**

SECTION 1. Tennessee Code Annotated, Section 49-3-351(a), is amended by adding the following as a new paragraph (4) in subsection (a):

(4) In fiscal year 2010-2011 and subsequent fiscal years, the cost per square foot calculation in the capital outlay component shall be reduced by \$14 per square foot for k-4 classrooms and by \$12 per square foot for other classrooms, it being the legislative intent that the state share of the BEP formula in 2010-2011 and subsequent fiscal years not include growth in capital outlay that otherwise would have occurred in fiscal year 2010-2011. The provisions of this item shall not preclude the appropriation of non-recurring funds to the Basic Education Program for distribution to local education agencies through the BEP formula.

REVERSION – PUBLIC DEFENDERS IN DAVIDSON AND SHELBY CO.

SECTION 2. Tennessee Code Annotated, Section 8-14-210 is amended by redesignating the existing language as subsection (a) and by inserting the following as subsection (b):

(b) Notwithstanding the provisions of subsection (a), the quarterly installments payable to the 20th and 30th judicial district offices may be reduced in such amount as necessary to meet the 20th and 30th judicial district offices' pro-rata share of any reversion of funds appropriated for district public defenders in fiscal year 2009-2010 or any subsequent fiscal year.

**FOOD SERVICES PROGRAM (COOK-CHILL) –
TRANSFER FROM GENERAL SERVICES TO TRI-COR**

SECTION 3.

(a) Effective on July 1, 2010, Tennessee code annotated, section 4-3-1104, in subsection (a), is amended by deleting in its entirety item (1).

(b) Effective on July 1, 2010, Tennessee code annotated, section 4-3-1105, is amended by deleting in its entirety item (14).

(c) Effective on July 1, 2010, Tennessee code annotated, title 41, chapter 22, part 4 is amended by inserting the following new section:

Section _____. Food Services (Cook-Chill) Program. A comprehensive food services program, which also may be known as the cook-chill program, shall be managed and operated by TRICOR. The program is authorized to plan menus in cooperation with its organizational clients and to purchase, prepare, store, and transport food products requested by state agencies that have residential custody of individuals, including the departments of correction, children's services, and mental health and developmental disabilities, and the division of intellectual disabilities services, and also may provide food services to state special schools and other entities to which TRICOR has authority to provide goods or services.

**RESERVE TRANSFER AUTHORITY AT JUNE 30, 2011,
SUBJECT TO 2ND TRIGGER IN APPROPRIATIONS ACT**

SECTION 4. Tennessee code annotated, section 4-3-1016, is amended in subsections (d) and (e) by deleting the language "and June 30, 2010" and by substituting instead the language "June 30, 2010, and June 30, 2011".

**RESERVE FOR REVENUE FLUCTUATIONS (RAINY DAY FUND) – SUSPENDS
REQUIREMENT TO RECOMMEND DEPOSIT FOR FY 2010-2011**

SECTION 5. Tennessee code annotated, Section 9-4-211(a)(2), is amended as follows: in provision (A) by inserting the word "or" after the semicolon; and in provision (B) by deleting the punctuation and word "; or" and inserting instead a period (".");

and by inserting the following as a new provision (D):

(D) The provisions of subdivision (a)(2) shall not apply for the fiscal year beginning on July 1, 2010, and ending on June 30, 2011.

STATE SCHOOL BOND AUTHORITY – BUILD AMERICA BONDS

SECTION 6. Tennessee code annotated, section 9-4-5107 is amended by adding the following as new subsection (c):

(c) For purposes of this section, the term "revenues" includes amounts allowable (without regard to any offset) to any such debt issuers from the federal government with respect to qualified bonds.

RECOVERY ZONE FACILITY BONDS – INTEREST RATE INDUSTRIAL DEVELOPMENT BOARDS

SECTION 7. Tennessee Code Annotated, Section 7-53-303, is amended by adding the following language as a new, appropriately designated subsection:

() For purposes of calculating the "applicable formula rate" under § 47-14-103 and the related provisions of Title 47, Chapter 14, to determine the maximum effective rate applicable to bonds or other obligations designated as "recovery zone facility bonds" pursuant to the American Recovery and Reinvestment Act of 2009 ("ARRA"), P.L. 111-5, the language "four (4) percentage points above the average prime loan rate" in the definition of "formula rate" in § 47-14-102(7) shall be replaced with the language "seven (7) percentage points above the average prime loan rate". This subsection shall apply to any such bonds or other obligations issued by a corporation on or before June 30, 2012, and designated as recovery zone facility bonds for purposes of the American Recovery and Reinvestment Act of 2009.

CLEAN WATER AND DRINKING WATER STATE REVOLVING FUND

SECTION 8. Tennessee Code Annotated, Subsection 68-221-1004(e) is amended by deleting the words "funds from the American Recovery and Reinvestment Act of 2009" and substituting instead, "federal funds allocated to the state".

SECTION 9. Tennessee Code Annotated, Subsection 68-221-1005(l) is amended by deleting the words “funds from the American Recovery and Reinvestment Act of 2009” and substituting instead, “federal funds allocated to the state”.

SECTION 10. Tennessee Code Annotated, Subsection 68-221-1204(e) is amended by deleting the words “funds from the American Recovery and Reinvestment Act of 2009” and substituting instead, “federal funds allocated to the state”.

SECTION 11. Tennessee Code Annotated, Subsection 68-221-1205(l) is amended by deleting the words “funds from the American Recovery and Reinvestment Act of 2009” and substituting instead, “federal funds allocated to the state”.

ECONOMIC DEVELOPMENT PROJECT

SECTION 12. Tennessee Code Annotated, Section 49-7-120, Subsection (b), is amended by adding the following new language between the words "conducted by a public higher education institution" and "shall not be open for public inspection.":

, or in the course of fulfilling a grant agreement between a public higher education institution and the Tennessee Department of Economic and Community Development,

SEVERABILITY CLAUSE

SECTION 13. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

EFFECTIVE DATE

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.